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APPLICATION NO. F	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,139	12/15/2000	Wolfgang Bachmann	HAS-008,01	1980
25181 7590	06/06/2003	•		
FOLEY HOAG, LLP PATENT GROUP, WORLD TRADE CENTER WEST 155 SEAPORT BLVD			EXAMINER	
			HARVEY, MINSUN OH	
BOSTON, MA 02110		•	ART UNIT	PAPER NUMBER
			2644	
			DATE MAILED: 06/06/2003	15

Please find below and/or attached an Office communication concerning this application or proceeding.





Application No.

Applicant(s)

09/700,139

BACHMANN et al

Examiner

MINSUN HARVEY

Art Unit 2644



	The MAILING DATE of this communication appears	on the cover sheet with	the correspondence address		
	for Reply				
THE N	ORTENED STATUTORY PERIOD FOR REPLY IS SET MAILING DATE OF THIS COMMUNICATION.		_		
	ions of time may be available under the provisions of 37 CFR 1.136 (a). In a date of this communication.	no event, however, may a reply b	be timely filed after SIX (6) MONTHS from the		
- If the p - If NO p - Failure - Any re	period for reply specified above is less than thirty (30) days, a reply within the period for reply is specified above, the maximum statutory period will apply a to reply within the set or extended period for reply will, by statute, cause the ply received by the Office later than three months after the mailing date of the patent term adjustment. See 37 CFR 1.704(b).	and will expire SIX (6) MONTHS for the application to become ABAND(from the mailing date of this communication. ONED (35 U.S.C. § 133).		
Status					
1) 💢	Responsive to communication(s) filed on Apr 28, 2		··································		
2a) 🗌	This action is FINAL . 2b) ✓ This act				
3) 🗆	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11; 453 O.G. 213.				
	tion of Claims				
4) 💢	Claim(s) <u>1-6, 8, and 9</u>		is/are pending in the application.		
	a) Of the above, claim(s)				
5) 🗀	Claim(s)		is/are allowed.		
	Claim(s) 1-4, 6, 8, and 9				
	Claim(s) 5				
	Claims				
	tion Papers				
9) 🗆	The specification is objected to by the Examiner.				
10)	The drawing(s) filed on is/are	a) accepted or b)[\square objected to by the Examiner.		
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
11)	The proposed drawing correction filed on	is: a)□ a	approved b) \square disapproved by the Examiner.		
_	If approved, corrected drawings are required in reply t				
12)	The oath or declaration is objected to by the Exami	ner.			
•	under 35 U.S.C. §§ 119 and 120				
13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).					
	a) ☐ All b) ☐ Some* c) ☐ None of:.				
_	1. U Certified copies of the priority documents have been received.				
	2. Certified copies of the priority documents have been received in Application No.				
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 					
_					
a) [The state of the s				
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Attachme		priority dildor oo o.c.	5. 55 120 dilu/01 121.		
_	tice of References Cited (PTO-892)	4) Interview Summary (PTO	0-413) Paper No(s).		
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) Notice of Informal Patent Application (PTO-152)			
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s). and 5) Other:					

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 to 4 and 8 to 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Azima.

Azima discloses a panel loudspeaker which is comprised of at least one sound radiating panel (2) having a core layer (22) and at least one cover layer connected with the core layer (21), a periphery which is formed by a frame (1) that surrounds the at least one sound radiating panel with a later gap (between 20 and 20 of fig. 2a), and at least one connecting element that connects the at least one sound radiating panel with the periphery (20) wherein that at least one connecting element is under mechanical tension when connected with the periphery (col. 4, lines 24 to 36), and wherein regions of the at least one cover layer that are connected with the core layer are also

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under mechanical tension (inherent that wherein joints 20 are under tension that cover layer 21 is also under tension).

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Azima.

Regarding claim 6, the applicant has claimed that the sound radiating panel is a bass panel adapted to reproduce low-frequency sound. Even though Azima does not explicitly disclose reproducing low frequency sound, it would have been obvious to set the panel speaker to reproduce low frequency as claimed because it would have been a designer's choice to set a system to reproduce a certain range of frequency in an audio signals.

- 5. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 6. The applicant has requested that the Supplemental Information Disclosure Statement (which was received on April 28, 3003) should not be open to the public. The applicant has to submit such request in a petition.

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7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to **Minsun Oh Harvey** whose telephone number is (703) 308-6741.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bill Isen, can be reached at (703) 305-4386.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist)

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

MINSUN OH HARVEY PRIMARY EXAMINER

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